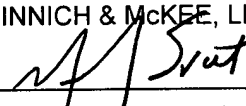
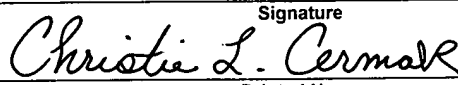
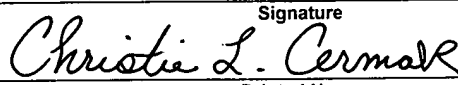
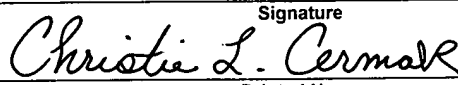
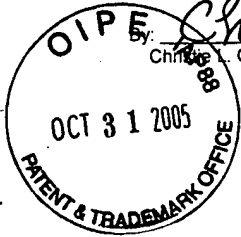


Doc No: AP.PRE.REQ

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket No.: A0508-US-NP XERZ 2 00344									
Application No.: 09/731,205		Filed: December 6, 2000									
Title: AN INTELLIGENT SYSTEM NETWORK INTERFACE ARCHITECTURE FOR DOCUMENT PROCESSING DEVICES											
First Named Inventor: Thieret											
Art Unit: 2624		Examiner: Thierry L. Pham									
<p>Applicant(s) request(s) review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). <i>Note: No more than five (5) pages may be provided.</i></p> <p>I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.</p> <p>Date: <u>10/31/05</u></p> <p>Respectfully submitted, FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP  Mark S. Svat, Reg. No. 34,261 Marina V. Zalevsky, Reg. No. 53,825 1100 Superior Avenue Seventh Floor Cleveland, OH 44114-2579 216-861-5582</p> <p>NOTE: Signature(s) of all the inventor(s) or assignee(s) of record of the entire interest or their representative(s) is/are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input checked="" type="checkbox"/> *Total of 1 forms are submitted.</p> <p style="text-align: center;"><u>CERTIFICATE OF MAILING</u></p> <p>I hereby certify that this Pre-Appeal Brief Request for Review and accompanying documents are being <input type="checkbox"/> deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22314-1450. <input checked="" type="checkbox"/> deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22314-1450.</p> <table border="1"><tr><td colspan="2">Express Mail Label No.: EV 690734975 US</td><td colspan="2">Signature </td></tr><tr><td colspan="2">Date October 31, 2005</td><td colspan="2">Printed Name Christie L. Cermak</td></tr></table>				Express Mail Label No.: EV 690734975 US		Signature 		Date October 31, 2005		Printed Name Christie L. Cermak	
Express Mail Label No.: EV 690734975 US		Signature 									
Date October 31, 2005		Printed Name Christie L. Cermak									

CERTIFICATE OF EXPRESS MAILING

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Christie L. Cermak

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Thieret et al.

TITLE : AN INTELLIGENT SYSTEM NETWORK
INTERFACE ARCHITECTURE FOR
DOCUMENT PROCESSING DEVICES

APPLICATION NO. : 09/731,205

FILED : December 6, 2000

CONFIRMATION NO. : 8635

EXAMINER : Thierry L. Pham

ART UNIT : 2624

LAST OFFICE ACTION : 09-25-2005

ATTORNEY DOCKET NO. : A0508-US-NP
XERZ 2 00344

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

In a phone interview with the Examiner, held on August 19, 2005, we briefly explained Applicants opinion that the cited references (Sorkin, US Patent No. 5,898,823 and Irie, (US Patent No. 6,606,164) are directed to the printing systems as known in the art of the network printing architectures in which the digital front end (DFE) performs (1) translation of the job data into the bit definitions and (2) processes the control data associated with the print job.

It is Applicants understanding, from the phone interview, that the Examiner holds the

position that the client computer and the network printer of Sorkin are in direct communication and that the control data is communicated to the marking device, e.g. the device which puts marks on print media. Applicants respectfully submit that the Examiner misinterprets Sorkin. Although Sorkin describes a printer communicating with the client computer, the communication path must be initially established via a spooler, e.g. the printer does not know the client's computer address. (Col. 5, lines 45-59). Only thereafter, the client computer is in direct communication with the network printer. Therefore, the communication path between the client computer and the printer is *indirect*. The client computer is in direct communication with the spooler only. (Response to the Final Office Action, "Response", p. 8, lines 1-16.)

It is also the Applicants understanding that the Examiner holds the position that the Irie's server is the DFE, e.g. the device which converts the job data into bit definitions which are understood by the marking device. Applicants respectfully submit that the Examiner misinterprets Irie. (Irie, Fig. 3 and "Response", p. 8, last full paragraph.)

Claims 1-6 are not obvious over Sorkin in view of Irie because the cited prior art does not teach or suggest all limitations of claim 1

a. The client computer of Sorkin is not in communication with the printer

Sorkin establishes the communication path between the client computer and the printer via a spooler, e.g. the printer does not know the client's computer address. (Col. 5, lines 45-59). Only thereafter, the client computer can communicate with the network printer. Therefore, the client computer is not in communication with the printer.

b. The client computer of Sorkin does not communicate in parallel to the document processing device and the document processing device controller ("DFE")

Sorkin does not differentiate the internal structure of the printer into sub-units. E.g., Sorkin does not describe where exactly in the printer the control data from the client computer is communicated to. Therefore, the control data of Sorkin is communicated to the DFE, as known in the prior art, and not to the document processing device. Applicants were the first to think of communicating control data and print job data in parallel to, correspondingly, the document processing device and the DFE, and treating the document

processing device and the DFE as peer devices.

c. The print job data of Sorkin is not communicated to the DFE

The print job data of Sorkin is communicated to the spooler. From the spooler, the job data is communicated to the printer's DFE.

d. Server of Irie does not translate the job data into data format executable by the marking device

The Examiner relies on Irie to teach that the printer server translates the job data into data format executable by the document processing device. Applicants respectfully disagree with such interpretation. ("Response", p. 8, last full paragraph.)

In conclusion, Applicants maintain that the cited prior art does not teach or suggest all limitations of claim 1; therefore, the rejection of **claim 1 and dependent claims 2-6** is in error.

Claims 7-18 are not obvious over Sorkin in view of Irie because the cited prior art does not teach or suggest all limitations of claim 7

a. The control data of Sorkin is not communicated to the document processing device

The arguments above in relation to claim 1 are equally applicable here.

b. The control data communication of Sorkin is *indirect*

Sorkin cannot communicate *directly* to the printer until the communication path between the client computer and the printer is established. Only subsequent communication is communicated to the printer directly as noted by the Examiner (OA of 20050709, p. 4, last bullet point.)

c. The server of Erie does not translate the job data into a data format executable by the document processing

See "Response", p. 8, last full paragraph.

In conclusion, Applicants maintain that the cited prior art does not teach or suggest all limitations of claim 7; therefore, the rejection of **claim 7 and dependent claims 8-18** is in error.

Claims 19-20 are not obvious over Sorkin in view of Irie because the cited prior art does not teach or suggest all limitations of claim 19

a. Client computer of Sorkin is not in parallel communication with the printer and DFE

The arguments above in relationship to claim 1 are equally applicable here.

b. The control data of Sorkin does not bypass the flow communication path through the DFE

The control data of Sorkin bypasses the communication path through the spooler. It is communicated to the DFE.

c. Server of Irie does not translate the job data into imaging signals recognizable by the printer

See "Response", p. 8, last full paragraph.

In conclusion, Applicants maintain that the cited prior art does not teach or suggest all limitations of claim 19; therefore, the rejection of **claim 19 and dependent claim 20** is in error.

Claims 22-23 are not obvious over Sorkin in view of Irie because the cited prior art does not teach or suggest all limitations of claim 22

a. Sorkin does not communicate the control data to the document processing device

The arguments above in relationship to claims 1 and 7 are equally applicable here.

b. The control data communication of Sorkin is *indirect*

The arguments above regarding claims 1 and 7 are equally applicable here. Sorkin cannot communicate *directly* to the printer until the communication path between the client computer and the printer is established. Only subsequent communication is communicated

to the printer as noted by the Examiner (OA of 20050709, p. 7, last bullet point.)

c. Sorkin does not direct the document processing signals to the document processing device

Nowhere does Sorkin describe translating the job data into the document processing device signals. Hence, Sorkin does not describe directing the document processing signals to the document processing device.

d. Irie's server does not convert the job data to the document processing device signals recognizable by the document processing device

See "Response", p. 8, last full paragraph.

In conclusion, Applicants maintain that the cited prior art does not teach or suggest all limitations of claim 22; therefore, the rejection of **claim 22 and dependent claim 23** is in error.

CONCLUSION

At least for the above stated reasons, Applicants respectfully request a pre-appeal review.

Respectfully submitted,

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10/31/05

Date



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